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September 1, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D. C. 20554

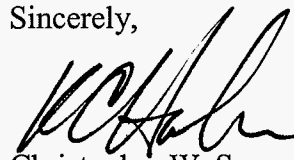
**Re: E911 Subscriber Acknowledgement Report of Charter Communications, Inc.;**  
**WC Docket Nos. 05-196, 04-36**

Dear Ms. Dortch:

Enclosed for filing in the above referenced proceeding please find an original electronic copy of the E911 Subscriber Acknowledgement Report (dated September 1, 2005) of Charter Communications, Inc. Charter files this report on behalf of its subsidiaries Charter Fiberlink-Missouri, LLC, Charter Fiberlink MA-CCO, LLC, and Charter Fiberlink, LLC.

Please contact the undersigned counsel for Charter Communications at the telephone number listed above if you have any questions about this filing. Thank you for your assistance.

Sincerely,



Christopher W. Savage  
K.C. Halm

Enclosures

cc: Byron McCoy, Enforcement Bureau  
Kathy Berthot, Enforcement Bureau  
Janice Myles, Wireline Competition Bureau  
Best Copy and Printing, Inc. Portals II  
Carrie Cox, Charter Communications, Inc.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matters of

IP-Enabled Services

E911 Requirements for IP-Enabled Service  
Providers

**WC Docket Nos. 05-196, 04-36**

**SUBSCRIBER ACKNOWLEDGEMENT REPORT (September 1, 2005)  
OF  
CHARTER COMMUNICATIONS, INC.  
ON BEHALF OF ITS SUBSIDIARIES CHARTER FIBERLINK-MISSOURI, LLC,  
CHARTER FIBERLINK MA-CCO, LLC, AND CHARTER FIBERLINK, LLC**

Pursuant to the FCC's July 26, 2005 and August 26, 2005 Public Notices concerning the Enforcement Bureau's guidance to interconnected Voice Over Internet Protocol ("VoIP") service providers,<sup>1</sup> Charter Communications, Inc. ("Charter") on behalf of its telecommunications subsidiaries, hereby provides a report on its efforts to comply with the notice and acknowledgement provisions of the FCC's new interconnected VoIP E911 rules.<sup>2</sup>

Accordingly, set forth below are Charter's responses to the queries contained in the Commission's August 26 Public Notice.

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<sup>1</sup> Enforcement Bureau Provides Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines, Public Notice, DA 05-2085 (rel. July 26, 2005) (hereinafter "July 26 Public Notice"); and Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement, Public Notice, DA 05-2358 (rel. Aug. 26, 2005) (hereinafter "August 26 Public Notice").

<sup>2</sup> 47 C.F.R. § 9.5(e). See *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (rel. June 3, 2005).

1. Detailed explanation regarding current compliance with the notice and warning sticker requirements.

As stated in its filing of August 10, 2005, Charter has provided the E-911 notice and warning stickers required by 47 C.F.R. § 9.5(e) to all existing customers.

2. Quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of September 1, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.

As of the date of this filing, Charter has obtained acknowledgements from approximately fifty percent (50%) of its customer base. Note that all of Charter's new customers as of July 30, 2005 have provided acknowledgement as part of the installation process. Charter expects that approximately twenty to twenty-five percent (20% - 25%) of its customers will not provide an acknowledgement despite our continued efforts.

Charter continues to experience a high level of customer frustration regarding the process of obtaining customer acknowledgements contemplated by 47 C.F.R. § 9.5(e)(2). As described in Charter's previous E911 report, common customer responses to Charter's acknowledgement efforts include: (1) customers hanging up on Charter service representatives requesting acknowledgment, and (2) customers simply refusing to provide the acknowledgement. These responses illustrate, generally, that customer frustration is one of the key subscriber impacts of the acknowledgement process.

3. Detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

Charter will continue to use a third party vendor to contact non-acknowledging customers via telephone. In addition, Charter will initiate an additional mailing (the third mailing to date) asking customers to return the acknowledgement.

4. Detailed description of any and all plans to use a “soft” or “warm” disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.

For a variety of reasons, such a procedure would be neither necessary nor workable in the current circumstances, and could actually imperil our customers’ safety. First, Charter believes that it is not feasible for Charter to implement a disconnect process (soft or hard) as a means of managing the acknowledgement issue. Use of a disconnect process by Charter would be extremely burdensome in terms of employees’ work time, its financial costs, and disruption of our customers’ service, as described in detail below. Those consequences are particularly inappropriate and unacceptable in light of the fact that Charter’s E911 service is fully functional, complying in all respects with the technical requirements of 47 C.F.R. § 9.5.

Indeed, from the initiation of its interconnected VoIP service, Charter’s customers have had access to E911 via the incumbent’s selective router, with full automatic location information (ALI) provided. It would be both disruptive and dangerous to the safety of the customer and their family to disconnect service of this quality as a result of a customer failure to affirmatively acknowledge the matters addressed in the Section 9.5(e) notices . In addition, Charter is concerned that any action it might take in this regard not be subject to claims of discrimination, leading to a situation in which all disconnects would seem to need to be completed on a flash cut basis. As such, any preparation activity would have to take place in the next few weeks. There is simply not enough time to arrange for such a flash cut disconnect, even if it were substantively appropriate in Charter’s situation, which it is not.

Charter has a particular safety-related concern with the so-called “soft” disconnect. Theoretically this would allow a customer to reach (only) the 911 answering point, but not

receive any calls, nor connect to any other number. Under such a scenario, if the customer is somehow disconnected from the 911 operator, and unable to reinitiate the call himself/herself, then the 911 operator is unable to call the customer back to re-establish contact. Further, the customer would be unable to make any other outgoing calls. It would therefore be impossible for a customer to contact a spouse or family member in an emergency or, for example, to call the poison center hotline directly – losing life saving time by having to go through the 911 operator to be connected to the appropriate expert. Likewise a customer could not call and check in on an elderly or infirm parent or relative.

The use of a mechanism that allows a customer to be directly connected to a resource (i.e. a vendor) that can obtain an acknowledgement does not mitigate any of the above issues. In addition, if a soft disconnect is implemented it cannot be automatically removed leaving the customer with severely limited service capabilities for several days while service is restored via our provisioning process.<sup>3</sup>

Upon confirmation of receipt of a customer acknowledgement, a reconnect order to remove the soft-disconnect from the customer's telephone line would be prepared and issued. Due to the need to obtain verification from the third party vendor managing the acknowledgements for Charter and to initiate the reconnect service order process along with the number of acknowledgements remaining outstanding, Charter estimates that it would take up to seventy-two (72) hours to re-establish fully functioning service to the soft disconnected customers.

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<sup>3</sup> Actually implementing a soft disconnect approach would entail an additional mailing to customers who have not yet provided an acknowledgement (approximately 10 days before the disconnect), followed by an individual call to the affected customers twenty-four (24) hours in advance. To actually implement the soft disconnect would require issuing an order against the customer's account. To remove the disconnect would require issuing a second order against the customer's account.

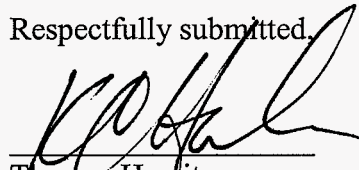
Charter estimates that up to twenty five percent (25%) of its customers will not provide an acknowledgement by September 28. If the number of customers that do not provide the acknowledgement is close to that figure, it would cost Charter many thousands of dollars, along with literally tens of thousands of man-hours of effort to re-program Charter's existing switches and provisioning systems to accommodate this activity. Moreover, because provision of a "soft" disconnect capability is not an existing feature of Charter's systems, any number of programming and related issues could arise that might either stymie or delay the effort or interfere with the services being provided to customers who have provided the acknowledgement contemplated by Section 9.5(e)(2) of the rules.<sup>4</sup>

Charter is fully aware of, and shares, the Commission's concern about public safety — including public access to fully functional E911 service. Charter cannot speak for other interconnected VoIP providers using different technologies. For itself, however, Charter has invested millions of dollars and thousands of hours of employee time to support fully functional E911 service across Charter's telephone service network — a capability that Charter had implemented long before the promulgation of the new rules. For precisely that reason, in Charter's case public safety would not be in any way enhanced by implementing a "soft" disconnect arrangement. To the contrary, public safety would be degraded by doing so. Charter, therefore, believes that not implementing such a program is the only course consistent with both the spirit and the letter of the new E911 rules set out in 47 C.F.R. § 9.5. Charter will, of course, continue our efforts to comply with the customer acknowledgement provisions of the rules.

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<sup>4</sup> Charter is prepared to discuss the detailed analysis underlying its cost and manpower efforts if the Enforcement Bureau would find such a discussion to be useful. Please contact Charter's counsel, noted below, if such a discussion is desired.

Respectfully submitted.



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Dated: September 1, 2005